

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. OSH 2003-17
)	
DIRECTOR, DEPARTMENT OF LABOR)	ORDER NO. 95
AND INDUSTRIAL RELATIONS,)	
)	PRETRIAL ORDER
Complainant,)	
)	
vs.)	
)	
SI-NOR, INC.,)	
)	
Respondent.)	
_____)	

PRETRIAL ORDER

Pursuant to the representations by counsel for the respective parties at an initial conference held by the Hawaii Labor Relations Board (Board) on September 2, 2003 and later modified during the status conference held on March 1, 2004, IT IS HEREBY ORDERED THAT:

1. The issues to be determined are:
 - (a) Whether Respondent violated HAR § 12-60-2(a)(3) as described in Citation 1, Item 1, issued on June 26, 2003?
 - (i) Whether the characterization of the violation as "Willful" is appropriate? If not, what is the appropriate characterization?
 - (ii) Whether the imposition and amount of the \$49,500.00 penalty is appropriate? If not, what is the appropriate penalty?
 - (b) Whether Respondent violated 29 CFR 1904.1(a)(2) as described in Citation 2, Item 1, issued on June 26, 2003?
 - (i) Whether the characterization of the violation as "Other" is appropriate? If not, what is the appropriate characterization?
 - (ii) Whether the imposition and amount of the \$900.00 penalty is appropriate? If not, what is the appropriate penalty?

2. Discovery deadlines are:

Live and unnamed witness identification; identification of expert and exchange of reports April 7, 2004

Discovery cut-off May 7, 2004

3. Trial is scheduled on May 18, 2004 at 9:30 a.m. in the Board's hearing room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii.
4. Hereafter, this Pretrial Order shall control the course of proceedings and may not be amended except by consent of the parties and the Board, or by order of the Board.

DATED: Honolulu, Hawaii, April 5, 2004.

HAWAII LABOR RELATIONS BOARD


BRIAN K. NAKAMURA, Chair


CHESTER C. KUNITAKE, Member


KATHLEEN RACUYA-MARKRICH, Member

NOTICE TO EMPLOYER

You are required to post a copy of this Order at or near where citations under the Hawaii Occupational Safety and Health Law are posted at least five working days prior to the trial date. Further, you are required to furnish a copy of this Order to a duly recognized representative of the employees at least five working days prior to the trial date.

Copies sent to:

J. Gerard Lam, Deputy Attorney General
Preston A. Gima, Esq.